

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION**

ZACHARY PAUL CRUZ,
a resident of Virginia,)
Plaintiff,)
v.)
SHERIFF DONALD L. SMITH, in his
individual capacity,)
MAJOR BRIAN JENKINS, in his
individual capacity,)
and;)
LINDSAY COMBS, in her
individual capacity,)
Defendants.)
Case No. 5:22-cv-00064
JURY TRIAL DEMANDED

SWORN AFFIDAVIT OF ZACHARY PAUL CRUZ

I, ZACHARY PAUL CRUZ, hereby declare under penalty of perjury as follows:

1. I am over the age of 18 and am otherwise competent to testify as to the matters set forth herein.

2. I am a resident of Augusta County, where I live with Mike Donovan and Richard Moore. Mike and Richard helped me after my brother was arrested for the Parkland school shooting. I consider them my family.

3. I moved from Florida to Virginia on or about May 12, 2018. Initially I moved into my own apartment, but I didn't want to be living alone in a new place. Mike and Richard's son Sam and I became close friends, and their family invited me to stay with them if I didn't want to stay alone.

4. Mike Donovan and Richard Moore helped me when I was held in Broward County on a \$500,000 bond for trespassing.

5. Upon my release from custody, I told Mike, Richard, and their son Sam that I didn't have any place to go, because my prior guardian kicked me out of her house.

6. Mike and Richard offered to help me move to Virginia, to give me an apartment and an opportunity to work. Mike said that he couldn't leave me there, homeless, without giving me the choice to go somewhere that I could have my own place and be safe. I jumped at the chance to get out of Florida, and to try to build a normal life. I moved out of Florida on or about May 12, 2018.

7. I quickly decided I did not want to live in an apartment alone, and asked if I could stay with Mike and Rich and Sam. I had never had a family like that, and it was really nice to have people that really cared about me. They let me move in and I have lived with them since June of 2018.

8. After working some on the Nexus campus I decided I wanted to focus on skating and my efforts to work on anti-bullying projects. Mike and Richard supported me

in doing so.

9. On 12/06/2018 I was told by my attorney, Dallas LaPierre, that MetLife was reaching out about my mother's insurance policy. I didn't want to get it. I kept putting it off, and MetLife continued to reach out to my lawyers to get me to apply for the benefit. In fact, it was only because of MetLife constantly following up that I finally decided to get it. I told Mike, Rich, and Mario Williams, my attorney at the time, that I wanted to give the money to Nexus. Mike and Rich had helped me when no one else would, and I wanted that money to help other people.

10. Mike and Rich told me that the money was for me and that they wanted me to spend it.

11. I asked Tim Shipe to place calls for me to MetLife while I was present. I asked him to check on whether my check could be overnighted. He never did anything that I didn't authorize, and he never received any of my money.

12. When I first received the transfer, in excess of \$400,000, I immediately went shopping. I spent a large amount of money in the first few days after I received the Met Life payment.

13. I again approached Mike Donovan about whether he would take the money. Mike told me that the money was left for me by my mom and dad, and that it was important that I used it for something I wanted.

14. I told Mike I wanted to give the money to Nexus, and that I wanted to support a company that was saving people like myself. Mike told me that it was important that I spend my money on what I want, and things that are for me.

15. I asked Mike if I could give the money to Nexus and have Nexus pay me over time and when I needed something. Mike agreed to do that.

16. The money went into my account at Dupont Community Credit Union. I used to have an account with TD Bank, but I changed it to Dupont because TD has no branches local to where I live.

17. I asked Richard or Mike to be on my account so that they could help me transfer money or pay bills. Richard and Mike have NEVER taken any money from my account that I did not authorize.

18. In addition to what I spent the first day I received my money, I have received a weekly payment and I have been able to ask at any time for more money for a purchase and Mike or Richard helped me right away.

19. This was the arrangement I asked Mike for when I was concerned that I might spend my money too fast, and I asked if I could give it to Nexus to help people. Mike told me he wouldn't accept my gift, but he would help me avoid the temptation of very large single purchases because in the time I take to get the transfer I can think about whether I really want that purchase. I have stopped myself from some pretty stupid buying decisions with this help.

20. I understood clearly from Mike that when he agreed to take the money that he would transfer me money weekly and help me pay for things. I did not expect that Nexus would hold the money in an account in my name, I expected them to receive the money and I didn't care how they used it, I just asked that they pay me weekly over time and advance money for any purchases I had or trips I was making.

21. When I made the decision to give the money to Nexus and have them transfer money or make purchases or travel arrangements for me, I was of sound mind. In fact, I asked Mike to do it because I wanted to give myself time to think about large purchases before committing to them.

22. To date I have received, combining cash transfers and money used for my trips, cars, skating, and other expenses, a total in excess of \$460,000.

23. At first, I didn't want to receive any money after my mom died and my brother committed his crimes, it felt wrong. However, Mike and Rich explained that the money had nothing to do with my brother, it was something my adoptive mom and dad set up for me. I have used that money to buy a ton of stuff I don't necessarily need, but the money let me escape Florida, travel the country, skate the best skate parks and sites, improve my skills, and get my life back. I am tired of corrupt and racist police trying to interfere with my life. I really don't care if people think I should have saved more or should have spent the money differently, it was my money to do with as I see fit, and that's what I did.

24. Mike and Rich continue to support me, and I appreciate them. I have never had a family like this and it has been a complete change in my life for the better. I have grown as a person, as a skater, and as young Black leader under the care of Richard and Mike. I love Richard, Mike, and Sam and I support my family as we are being attacked by racist and corrupt Augusta County police.

25. According to the search warrant affidavit, Sheriff Smith, Major Jenkins,

Commonwealth Attorney Alexandra Meador and Commonwealth Attorney Tim Martin met to discuss raiding my home and indicting Richard and Mike, days prior to the raid. They never spoke to me. They never asked me if I was a victim.

26. On 10/05/2022 at approx. 8AM I was awakened by the sound of dozens of Sheriff Deputies banging on the glass on our front door.

27. I saw Mike being led outside in handcuffs. Deputies called for me, and I was held at gunpoint in my own home by the police who were supposedly there to “save me”.

28. The Augusta County search warrant was executed with rage, and I believe the officers enjoyed holding me at gunpoint and handcuffing me in a metal chair in the street. I felt embarrassed, objectified, and terrorized by police who work for a Sheriff who calls people who look like me the “n word” and porch monkey, according to his former deputies.

29. They placed me in handcuffs and took my phone. The deputies led me outside of my home.

30. The deputies initially sat me on the hood of a police car. I kept sliding off the car, and being handcuffed I could not stop my slipping.

31. The deputy then placed a folding metal chair in the middle of the street and ordered me to sit on it. I was sat there, with handcuffs on, for a little less than an hour.

32. During the time I was handcuffed and placed in the street, people who had gathered were staring at me and taking pictures of me.

33. I was later placed in the backseat of a police car. The deputy sat me next to a long gun that appeared to be an AR-15. This is the same style gun my brother used in the Parkland shooting, and the police placed me next to that weapon in an effort to intimidate

and harass me.

34. At no time did any deputy or state police officer ask me if I was a victim.

35. At no time did any deputy or state police officer ask me to speak with any victim support person. Instead, I was handcuffed for several hours until police finished an exhaustive search of my home.

36. The handcuffs that were placed on my wrist were not locked in place, meaning it would tighten when I would move. Once they placed me in a police vehicle, I remained handcuffed behind my back. This went on for several hours. Every time my hands would hit the plastic seat, the handcuffs would tighten. No officer would loosen the handcuffs until I was released. The handcuffs caused intense pain and felt as if the metal was cutting into my wrist and arm. The ever-tightening handcuffs, placed behind my back, became one of the most physically painful experiences I have ever had.

37. I was then told I was free to go. No one offered me assistance or asked if I was safe to leave, which makes no sense now that I know they are saying that I am some kind of victim.

38. In the twenty-three days following the search of my home, no police have asked me if I needed help or assistance. I do not believe that they think I am a victim at all. They certainly didn't treat me like one. I don't think you hold victims at gunpoint or handcuff them in a metal chair on the street or try to traumatize them. I believe the raid and arrest are political.

39. I believe the Augusta County Sheriff and Commonwealth Attorney have colluded with Broward County officials in an ongoing effort to dissuade me from testifying

in my brother's death penalty trial.

40. I am tired of being targeted by police. I am angry about being targeted by police. I am not mentally incapacitated. I am not "retarded", as Lindsay Combs said in her affidavit.

41. I was held against my will for several hours on October 5, 2022. I did not consent to that detention and it was in violation of my Constitutional rights.

42. I had two separate attorneys confirm to LINDSAY COMBS that she was wrong, that I was not a victim and that no one stole from me, but she decided to hide that and ignore the facts, presumably because it didn't fit her political agenda.

43. LINDSAY COMBS claimed to be working in a joint state federal investigation. Because I believed her to be coordinating with law enforcement, and because I felt that Broward law enforcement was working to intimidate me from testifying in my brother's trial, I decided not to talk to her. My attorney advised that if she is conducting a law enforcement investigation as she claimed, then I have a Constitutional right to an attorney. That is absolutely my right. I had attorneys speak with her, but she wanted to search my house and see me in handcuffs. This is a horrific way to treat a victim, and I feel very sorry for REAL victims of crime in Augusta County.

44. The search warrants were executed in three locations. They executed the warrant at my home and took all of my electronic devices. Thank God I am not a victim of criminal activity, because if I was, I would never be able to call for help after they took my phone and other devices. The Defendants knew I was safe, otherwise they wouldn't have taken all of my abilities to communicate without even asking me if I was okay. I believe

the searches were an assault on me and my family. The other warrants were served at the Nexus office (including the BLM office where police accountability protestors meet) and the residence of Timothy Shipe. All of the locations were searched at or around 8AM on October 5th, 2022.

45. I am not a victim. I am not mentally incapacitated. I am really frustrated that so much time and money are being spent to target me and my family, but its worse knowing that they are insulting me to accomplish their corruption. They are not law enforcement, they are bullies.

46. To be clear, Richard and Mike have cared for me when no one else cared. They made sure I had the money that my mom and dad wanted me to have, even when I wanted to give it away. Tim Shipe helped me, he never stole from me, and he never made a call I didn't authorize or expressly asked him to make with me. I told the FBI that Mike and Rich support me, they do not take advantage of me. They have allowed me to build a new life, and the money from my mother's insurance benefit helped me grow in skating and as a person through incredible experiences I never would have been able to afford otherwise. I do not want the "help" of racist police and prosecutors. I cannot trust a Sheriff who calls people who look like me racial epithets. I want Augusta County police to leave me alone unless and until a federal investigation occurs that clears the Sheriff of the numerous felony allegations against him and his office. I spoke to federal authorities before when I refused to speak with COMBS, because I do not want to deal with corrupt and racist police and prosecutors, who think people like me and my family don't deserve "aid and comfort in a decent society", as Augusta County Commonwealth Attorney Tim Martin said in an email

that I have read. These people do not want to help me, or they would have asked me if I needed help.



Zachary Paul Cruz

STATE OF VIRGINIA))

CITY OF STAUNTON))

The forgoing Sworn Affidavit of ZACHARY PAUL CRUZ was acknowledged before me this

31 day of October, 2022, by



NOTARY PUBLIC



My Commission Expires: 7/31/25

Registration Number: 7743501